09 CW 7654 CLOSED

U.S. District Court Western District of North Carolina (Charlotte) CIVIL DOCKET FOR CASE #: 3:09-cv-00097-RJC-DLH

Leyse v. Bank of America, National Association Assigned to: Chief Judge Robert J. Conrad, Jr Referred to: Magistrate Judge Dennis Howell

Cause: 28:2201 Injunction

Date Filed: 03/10/2009 Date Terminated: 09/01/2009

Jury Demand: None

Nature of Suit: 430 Banks and Banking

Jurisdiction: Federal Question

Plaintiff

Mark Leyse

represented by Gary W. Jackson

Jackson & McGee, LLP
521 East Blvd.
Charlotte, NC 28203
704-377-6680
Fax: 704-377-6690
Email: gjackson@ncadvocates.com
TERMINATED: 09/01/2009
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Todd C. Bank,

Todd C. Bank, Attorney at Law 119-40 Union Turnpike Fourth Floor Kew Gardens, NY 11415 718-520-7125 Fax: 866-698-7850 Email: TBLaw101@aol.com LEAD ATTORNEY PRO HAC VICE

ATTORNEY TO BE NOTICED

V.

Defendant

Bank of America, National Association

represented by Amy Pritchard Williams

K&L Gates LLP 214 North Tryon Street Hearst Tower, 47th Floor Charlotte, NC 28202 704-331-7400

Fax: 704-353-3129

Email: amy.williams@klgates.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

9/2/2009



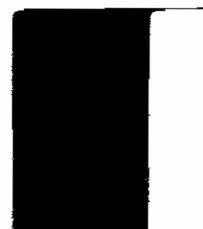
Kyle W.K. Mooney, Morrison & Foerster, LLP Morrison & Foerster LLP 1290 Avenue of the Americas New York, NY 1014 212-336-4092 Fax: 212-468-7900 Email: kmooney@mofo.com LEAD ATTORNEY PRO HAC VICE ATTORNEY TO BE NOTICED

Mark P. Ladner
Mornson & Foerster, LLP
1290 Avenue of the Americas
New York, NY 10104
212-468-8035
Fax: 212-468-7900
Email: mladner@mofo.com
LEAD ATTORNEY
PRO HAC VICE

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text		
03/10/2009	1	COMPLAINT against Bank of America, National Association (Filing fee \$ 350.00 receipt number CHD004020.), filed by Mark Leysc.(klg) (Entered: 03/10/2009)		
03/10/2009		Case Reassigned to Chief Judge Robert J. Conrad, Jr and assigned Magistrate Judge Dennis Howell. District Judge Martin Reidinger no longer assigned to the case. This is your only notice - you will not receive a separate document. (klg) (Entered: 03/10/2009)		
03/10/2009	2	Summons Issued Conventionally as to Bank of America, National Association. (klg) (Ed. 03/10/2009)		
04/28/2009	3	NOTICE of Appearance by Gary W. Jackson on behalf of Mark Leyse (Jackson, Gary) (Entered: 04/28/2009)		
05/11/2009	4	Summons Reissued Electronically as to Bank of America, National Association. NOTICE: Counsel shall print the summons and serve with other case opening documents in accordance with Fed.R.Civ.P.4 and Local Rule 73.1(A)(2). (klg) (Entered: 05/11/2009)		
05/22/2009	5	MOTION for Leave to Appear Pro Hac Vice as to Todd C. Bank Filing fee \$ 250, receipt number 04190000000000802074, by Mark Leyse. (Attachments: # 1 Exhibit Declaration Todd C. Bank in Support of Pro Hac Vice Admission, # 2 Exhibit Application for Admiss to Practice Pro Hac Vice)(Jackson, Gary). Motions referred to Dennis Howell. (Entered: 05/22/2009)		
05/26/2009	6	ORDER granting 5 Motion for Leave to Appear Pro Hac Vice added Todd C. Bank fo Mark Leyse. Signed by Magistrate Judge Dennis Howell on 9/26/2009. (klg) (Entered: 05/26/2009)		
05/26/2009		Notice to Todd C. Bank: Pursuant to Local Rule 83.1 you are required to Register for ECF a www.ncwd.uscourts.gov. Deadline by 6/8/2009. (klg) (Entered: 05/26/2009)		

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06/12/2009	7	ACKNOWLEDGEMENT OF SERVICE Executed <i>June 2, 2009</i> Acknowledgement filed by Bank of America, National Association. (Williams, Amy) (Entered: 06/12/2009)			
06/16/2009	8	Consent MOTION for Extension of Time to File Answer by Bank of America, National Association. (Williams, Amy). Motions referred to Dennis Howell. (Entered: 06/16/2009)			
06/16/2009	2	ORDER granting 8 Motion for Extension of Time to Answer re 1 Complaint Bank of America, National Association answer due 7/22/2009 Signed by Magistrate Judge Dennis Howell on 6/16/2009. (klg) (Entered: 06/16/2009)			
06/18/2009	10	MOTION to Withdraw as Attorney by Mark Leyse. (Attachments: # 1 Proposed Order Order Granting Counsel's Motion to Withdraw)(Jackson, Gary). Motions referred to Dennis Howel! (Entered: 06/18/2009)			
06/22/2009)1	ORDER denying without prejudice 10 Motion to Withdraw as Attorney Signed by Magistrate Judge Dennis Howell on 6/22/2009. (klg) (Entered: 06/22/2009)			
07/17/2009	12	MOTION for Leave to Appear Pro Hac Vice as to Mark P. Ladner Filing fcc \$ 250, rece number 0419000000000843375, by Bank of America, National Association. (Williams Amy). Motions referred to Dennis Howell. (Entered: 07/17/2009)			
07/17/2009	13	MOTION for Leave to Appear Pro Hac Vice as to Kyle W. K. Mooney Filing fee \$ 250, receipt number 0419000000000843384. by Bank of America, National Association. (Williams, Amy). Motions referred to Dennis Howell. (Entered: 07/17/2009)			
07/20/2009	14	ORDER granting 13 Motion for Leave to Appear Pro Hac Vice added Kyle W. K. Mooney for Bank of America, National Association. Signed by Magistrate Judge Dennis Howell on 7/20/2009. (klg) (Entered: 07/20/2009)			
07/20/2009	15	ORDER granting 12 Motion for Leave to Appear Pro Hac Vice added Mark P. Ladner for Bank of America, National Association. Signed by Magistrate Judge Dennis Howell on 7/20/2009. (klg) (Entered: 07/20/2009)			
07/20/2009		Notice to Mark P. Ladner and Kyle W.K. Mooney: Pursuant to Local Rule 83.1 you are required to Register for ECF at www.ncwd.uscourts.gov. Deadline by 8/3/2009. (klg) (Entered: 07/20/2009)			
07/20/2009	16	MOTION for Leave to Appear Special Admission per Local Rule 83(D)(2) by Mark Leyse.Responses due by 8/6/2009. (Bank, Todd). Motions referred to Dennis Howell. (Entered: 07/20/2009)			
07/21/2009	17	ORDER denying 16 Motion for Leave to Appear Special Admission per Local Rule 83 (D)(2). Signed by Magistrate Judge Dennis Howell on 7/21/2009, (kig) (Entered: 07/21/2009)			
07/22/2009	<u>18</u>	MOTION to Dismiss or Transfer this Action and for Attorneys' Fees and Costs by Bank of America, National Association. Responses due by 8/10/2009. (Williams, Amy). Motions referred to Dennis Howell. Modified on 9/1/2009 re event type(gpb). (Entered: 07/22/2009)			
07/22/2009	19	MEMORANDUM in Support re 18 MOTION to Dismiss or Transfer this Action and for Attorneys' Fees and Costs by Bank of America, National Association. (Williams, Amy) (Entered: 07/22/2009)			
07/22/2009	DECLARATION re 18 MOTION to Dismiss or Transfer this Action and for Attorn and Costs, 19 Memorandum in Support of Motion (Declaration of John Nelson) file of America, National Association (Attachments: # 1 Exhibit 1-DialAmerica Report) Amy) (Entered: 07/22/2009)				

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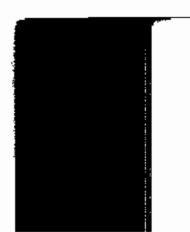
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07/22/2009	21	DECLARATION re 19 Memorandum in Support of Motion, 18 MOTION to Dismiss or Transfer this Action and for Attorneys' Fees and Costs (Declaration of Kyle Mooney) filed by Bank of America, National Association (Attachments: # 1 Exhibit 1-Civil Docket from Dutriaux v. Bank of America, # 2 Exhibit 2-Class Action Complaint, # 3 Exhibit 3-Amended Class Action Complaint, # 4 Exhibit 4-Second Amended Class Action Complaint, # 5 Exhibit 5-July 14, 2007 Order, # 6 Exhibit 6-November 3, 2008 email from Mooney to Bank, # 7 Exhibit 7-Docket for Holster v. Gatco, # 8 Exhibit 8-Memo dated June 15, 1973 from Administrative Office of US Courts, # 9 Exhibit 9-Complaint, # 10 Exhibit 10-June 3, 2009 letter from Ladner to Jackson and Bank, # 11 Exhibit 11-June 9, 2009 email from Williams to Jackson, # 12 Exhibit 12-June 22, 2009 email from Williams to Bank, # 13 Exhibit 13-directions from Dial America)(Williams, Amy) (Entered: 07/22/2009)		
07/24/2009	<u>22</u>	NOTICE by Bank of America, National Association of Revised Certifications (Williams, Amy) (Entered: 07/24/2009)		
08/04/2009	23	MEMORANDUM in Opposition re 18 MOTION to Dismiss or Transfer this Action and for Attorneys' Fees and Costs by Mark Leyse. Replies due by 8/17/2009. (Attachments: # 1 Declarations of Mark Leyse and Todd C. Bank, # 2 Exhibit A - H, # 3 Envelope)(tmg) (Entered: 08/05/2009)		
08/10/2009		Second Notice to Mark P. Ladner: Pursuant to Local Rule 83.1 you are required to Register for ECF at www.ncwd.uscourts.gov . Deadline by 8/24/2009. (com) (Entered: 08/10/2009)		
08/14/2009	<u>24</u>	MOTION to Withdraw as Attorney by Mark Leyse. (Attachments: # 1 Exhibit Declaration Mark Leyse)(Jackson, Gary). Motions referred to Dennis Howell. (Entered: 08/14/2009)		
08/17/2009	<u>25</u>	ORDER dismissing without prejudice 24 Motion to Withdraw as Attorney. Signed by Magistrate Judge Dennis Howell on 8/17/09. (gpb) (Entered: 08/17/2009)		
08/17/2009	26	REPLY to Response to Motion re 18 MOTION to Dismiss or Transfer this Action and for Attorneys' Fees and Costs by Bank of America, National Association. (Williams, Amy) (Entered: 08/17/2009)		
08/26/2009	27	MOTION to Withdraw as Attorney by Mark Leyse. (Attachments: # 1 Exhibit Declaration of Mark Leyse, # 2 Proposed Order Order Granting Motion to Withdraw)(Jackson, Gary). Motions referred to Dennis Howell. (Entered: 08/26/2009)		
08/27/2009	28	ORDER Setting Hearing on 27 MOTION to Withdraw as Attorney: Motion Hearing set for 9/14/2009 03:30 PM in Courtroom, 100 Otis St, Asheville, NC 28801 before Magistrate Judge Dennis Howell. **All counsel now of record shall attend, as well as the Plaintiff.** Signed by Magistrate Judge Dennis Howell on 8/27/09. (gpb) (Entered: 08/27/2009)		
09/01/2009	<u>29</u>	ORDER granting 18 Defendant's Motion Transfer Case; Deferring for disposition by the transferee court 18 Motion to Dismiss & for Attorneys Fees and Costs; granting 27 Loca Counsel's Motion to Withdraw as Attorney; Cancelling 9/14/09 hearing. Attorney Gary W. Jackson terminated. This case is TRANSFERRED to the Southern District of New York for consolidation with Dutriaux v. Bank of America, N.A. (SDNY# 05-3838-JGK). Signed by MagIstrate Judge Dennis Howell on 9/1/09. (gpb) (Entered: 09/01/2009)		
09/01/2009		Case transferred to District of Southern New York. (gpb) (Entered: 09/01/2009)		

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